



EDUCATION & TRAINING



CLIFFE DEKKER HOFMEYR

INCORPORATING
KIETI LAW LLP, KENYA

We have a wealth of experience in the education & training sector.

SECTOR OVERVIEW

We have a wealth of experience in the education & training sector, specifically with regard to the acquisition, financing, governance and organisational structure of schools and universities.

We have advised:

- A number of schools and universities on regulatory issues, including registration as an education provider, employment matters, constitutional documents, disciplinary procedures, real estate issues and governance
- Entities listed on the Johannesburg Stock Exchange (JSE) with regard to listings issues, funding, acquisition and establishment of educational institutions

Private equity and other investors with regard to all aspects of acquisition and funding of schools and universities, including the performance of due diligence investigations in respect of private higher education service providers in the context of corporate transactions.

OUR EXPERIENCE

- Advising Curro Holdings Limited, the listed holding company of a number of newly established schools, with regard to their listing on the alternative exchange of the JSE (AltX) early in 2011, including advising them on funding and competition issues
- Acting for a foreign university in obtaining an order against the Department of Higher Education and Training confirming that foreign universities are entitled to offer higher education in South Africa through local providers. This led to the amendment of the Higher Education Act. We subsequently made representations to Parliament regarding the amendments
- Advising a number of the leading private higher education service providers in regard to regulatory issues and assisting them in their interactions with the Department of Higher Education and Training
- Successfully appealing decisions by the Department of Higher Education and Training to cancel the registration of certain private higher education providers, in accordance with the provisions and regulations of the Higher Education Act

OUR EXPERIENCE...continued

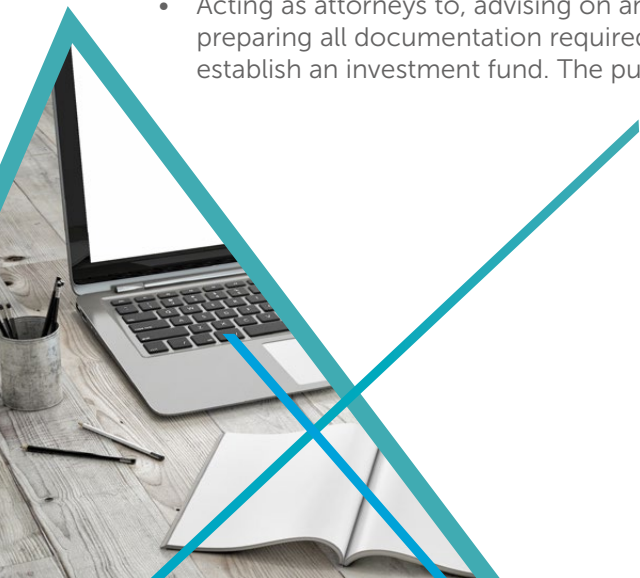
- Assisting our clients in criminal proceedings brought by the Department of Higher Education and Training arising out of alleged contraventions by our clients of provisions of the Higher Education Act in regard to the provision of higher education without proper registration or accreditation of qualifications
- Representing the Independent Schools Association of South Africa in regard to their interactions with the Department of Basic Education and in regard to the various issues which impact on independent schools, including issues over property rates levied by local municipalities against independent schools
- Representing various individual independent schools in regard to issues arising in the operation of the schools including disputes with parents (both individual and collective), property disputes with neighbours, alleged human rights abuses arising out of school policies and internal school disciplinary issues
- Acting as attorneys to, advising on and preparing all documentation required to establish an investment fund. The purpose

of the fund is to invest in projects for the purchase/construction of schools and their operation

- The fund operates by:
 - Identifying so-called 'partners'
 - Establishing a company (Propco) to purchase/construct the school with funds lent to it by the investment fund and the partners
 - Establishing a different company (Opco) to operate the school
 - As a result, various Propcos and Opcos were established and we assisted them with regard to the purchase of a number of schools to be funded by the investment fund
- Acting for the Cape Peninsula University of Technology and the University of the Western Cape in respect of multi-million rand funding transactions
- Advising the National Department of Education and Cyril Ramaphosa's Adopt-a-School Foundation in regard to building schools for the department
- Acting as pro bono legal advisors for the Adopt-a-School Foundation in their black

economic empowerment deal with Sandvik Mining RSA, part of the Sandvik Group

- Assisting the Centre for Economic Development in reviewing a research report on legislative landscape relating to the management and operation of schools and the role of the private sector (pro bono)
- Advising Intec Colleges (Pty) Ltd, on their licensing agreements and on all acquisitions which included brands such as Success and Damelin
- Acting for Oxford University Press South Africa (Pty) Ltd, Pearson Limited and Juta & Co Limited, the major educational publishers in South Africa in respect of all legal services required by them in Southern Africa
- Advising the German International School on private school issues (disciplinary, privacy, drugs, race and so on)
- Advising an international education company on the acquisition of independent schools in South Africa
- Acting for Advtech Limited and its subsidiary The Independent Institute of Education (Pty) Limited, in several acquisitions of tertiary education businesses



OUR EXPERIENCE...continued

- Advising the Governing Body of Rustenburg Junior School for Girls (a public school), including involvement in the budgeting process and the funding of the school as well as staff issues and discipline
- Assisting the University of the Western Cape in:
 - Reviewing and advising on constitutional documents
 - Reviewing and advising on disciplinary procedures
 - Advising on cooperation agreements with government and other institutions
 - Advising on the merger with the dental school of the University of Stellenbosch
 - Advising on all property related matters and negotiations with developers
 - Advising on the provision of student accommodation
 - Advising on disciplinary issues
 - Advising on a number of litigation matters
- Advising the Cape Peninsula University of Technology on various litigation and governance issues
- Advising the Gauteng Provincial Government in respect of all legal aspects relating to the Gauteng Schools Programme
- Advising the Gauteng Department of Education in its Gauteng Online Project to procure, install and commission computers in computer laboratories in all schools in the Gauteng Province
- Assisting the College of Cape Town in regard to the following:
 - Advising on council matters, including finance matters
 - Advising on staff disputes
 - Advising on all property related matters
 - Attending to the transfer of all property vesting in the college in terms of the Further Education and Training Act
- Assisting the Graduate School of Business, University of Cape Town and Centre for Coaching (Pty) Ltd with a restructuring of their leadership and management development activities. This included advising on the organisational structure and the sharing of employees, as well as the financial structure and profit share arrangements in respect of the two institutions
- Providing the Western Cape Education Fund with advice in relation to a service-level agreement which it was entering into with a youth leadership development service provider
- Assisting in the drafting of the service-level agreement as well as advising the Western Cape Education Fund generally with regard to the legal risks of such a transaction
- Advising Shanduka Adopt-a-School Foundation and the Kagiso Trust on implementing a whole-school development programme within selected provinces through the provincial Departments of Basic Education (pro bono). The pro bono project is one which seeks to assist a considerable number of non-performing schools to raise their education standards specifically to schools in the rural areas. Providing pro bono advice on all the legal issues which flow from the upliftment of the school concerned and in particular assisting with the numerous employment law issues which arise when non-performing staff members need to be dealt with

MARKET RECOGNITION

Our Dispute Resolution team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2022–2023 ranked us in Band 2 for dispute resolution.

Chambers Global 2018–2023 ranked us in Band 2 for restructuring/insolvency.

Chambers Global 2022–2023 ranked us in Band 3 for insurance.

Chambers Global 2020 ranked us in Band 2 for public procurement.

Chambers Global 2020–2022 ranked us in Band 3 for media & broadcasting.

Chambers Global 2020–2023 ranked us in Band 3 for corporate investigations.

The Legal 500 EMEA 2017–2023 recommended us in Tier 1 for dispute resolution.

The way we support and interact with our clients attracts significant external recognition.

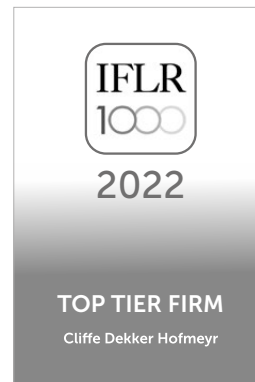
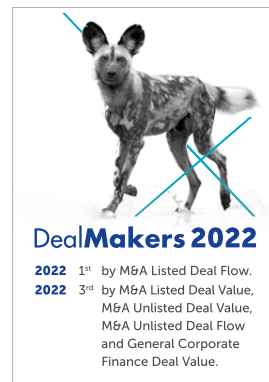
Tim Fletcher is the Chairperson and a Director in our Dispute Resolution team.

Chambers Global 2022–2023 ranked Tim in Band 2 for dispute resolution.

Chambers Global 2019–2021 ranked him in Band 3 for dispute resolution.

The Legal 500 EMEA 2016–2023 recommended him as a leading individual for dispute resolution.

The Legal 500 EMEA 2021–2022 recommended **Roux van der Merwe** for commercial, corporate/M&A. *IFLR1000 2021–2022* ranked Roux as highly regarded in M&A.



OUR TEAM

For more information about our Education & Training sector and services in South Africa and Kenya, please contact:



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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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